

REGULAR MEETING OF THE BOARD OF COMMISSIONERS  
CITY OF FRANKFORT, KENTUCKY

APRIL 21, 2003  
5:00 P.M. (EST)

PRESENT: Commissioner Lynn Bowers  
Commissioner Tracey Turner Thurman  
Commissioner Andrew S. Layson  
Commissioner Robert Roach  
Mayor William I. May, Jr. (5)  
ABSENT: None (0)

Invocation by Rev. Robert Strode, St. John A.M.E. Church.

Following roll call, it was moved by Commissioner Thurman, seconded by Commissioner Layson, that the reading of the minutes of March 3, 2003 Work Session and Special Meeting; March 10, 2003 Special Meeting; and March 17, 2003 Regular Meeting be dispensed with and approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

**Ceremonial Items:**

Ray Travis was recognized and presented with badge and collar insignia by Mayor May and Fire Chief for promotion to rank of Lieutenant.

**Ordinances:**

Item 3.1 "AN ORDINANCE AMENDING FRANKFORT-FRANKLIN COUNTY ZONING DISTRICT REGULATIONS, ARTICLE 4, SECTION 4.41 SPECIAL CAPITOL DISTRICT; ARTICLE 12, SECTION 12.01 PARKING REQUIRED IN VARIOUS ZONING DISTRICTS; AND ARTICLE 17 ARCHITECTURAL REVIEW BOARD" was presented and read. This ordinance had its first reading March 17, 2003. It was moved by Commissioner Bowers, seconded by Commissioner Roach, that this ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Ordinance No. 5, 2003 Series)

Item 3.2 "AN ORDINANCE REZONING PROPERTY LOCATED AT 116 EAST SECOND STREET FROM "SC" TO "CG" AND PROPERTIES LOCATED AT 124, 126, AND 128 EAST SECOND STREET FROM "SC" TO "CL" was presented and read. This ordinance had its first reading April 7, 2003. It was moved by Commissioner Roach, seconded by Commissioner Bowers, that this ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Roach and Mayor May (4). Voting against the motion was Commissioner Layson (1). The motion was thereupon adopted. (Ordinance No. 6, 2003 Series)

**Orders:**

Item 4.1 "AN ORDER AUTHORIZING THE MAYOR TO EXECUTE STATE AND LOCAL TASK FORCE AGREEMENT BETWEEN THE CITY OF FRANKFORT AND THE DRUG ENFORCEMENT ADMINISTRATION" was presented. It was moved by Commissioner Thurman, seconded by Commissioner Layson, that this order be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Order No. 5, 2003 Series)

**Resolutions:**

Item 5.1 "RESOLUTION CREATING A SPECIAL TASK FORCE ON SANITARY SEWER POLICIES AND PROCEDURES FOR THE SEWER DEPARTMENT OF THE CITY OF FRANKFORT, KENTUCKY" was presented. It was moved by Commissioner Layson, seconded by Commissioner Roach, that the resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Resolution No. 5, 2003 Series)

Item 5.2 "RESOLUTION EXTENDING TERM FOR SPECIAL TASK FORCE ON THE PROPOSED SOUTH FRANKFORT COMMUNITY CENTER FOR THE CITY OF FRANKFORT, KENTUCKY" was presented. It was moved by Commissioner Thurman, seconded by Commissioner Layson, that the resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Resolution No. 6, 2003 Series)

**Consent Calendar:**

The following miscellaneous and personnel items were presented:

- 6.1 Authorization to solicit bids for Heavy Duty Vehicle Lift (Central Garage Facility);
- 6.2 Authorization to purchase ten (10) police pursuit vehicles from State Contract Master Agreement #C-00249736 at the contract price of \$21,339 per unit, an additional preparation charge of \$300 per unit, for a total unit price of \$21,639 and a total purchase price of \$216,390, from Paul Miller Ford Commercial Sales, Lexington, Kentucky, with funding from equipment account 100.43.56550 (Police Department);
- 6.3 Authorization to solicit bids for 2003 Street Resurfacing Program (Public Works Department);
- 6.4 Authorization to solicit bids for construction of Allnutt Drive Sewer Replacement Project (Sewer Department);
- 6.5 Authorization to award contract to Plymovent Corporation, the low bidder, through its distributor in Dry Ridge, Kentucky, for the purchase and installation of a vehicle exhaust removal system in the East Frankfort Fire Station in the amount of \$20,907 with funding from account 100.42.56550 (Fire Department);
- 6.6 Authorization to award contract to Meyer-Midwest, Inc., the sole bidder, for press box and restrooms for Capitol View Park at the negotiated price of \$50,000 with funding from account 100.90.53295; bid price for total project including concession building having been \$88,700 but negotiated down to meet budgeted funds and concession building removed from project (Parks and Recreation);
- 6.7 Authorization to purchase eleven (11) in-car video camera systems from International Police Technologies, Inc., at the contract price of \$3,105 per camera for a total purchase price of \$34,155 under State Price Contract Number M-01157789 with funding from equipment account 100.43.56550 (Police Department);
- 6.8 Authorization for sole source procurement through U.S. Filter for Bioxide for odor control and corrosion protection for use at five pump stations, at unit cost of \$1.75 per gallon with anticipated use of approximately 30,000 gallons during the coming year, in an amount not to exceed budgeted funds, Department Head having verified expenditure as a sole source procurement (Sewer Department);
- 6.9 Authorization for Police Department participation in Special Traffic Enforcement Programs (STEPS) through the Kentucky State Police Highway Traffic Safety Program, to provide payment of police officers overtime to conduct special traffic program for seat belt enforcement, with enforcement period to be one week in May, 2003 and one week in November, 2003 (Police Department);
- 6.10 Authorization for collection of delinquent 2002 Ad Valorem Property Tax and Ambulance Service Bills through Kentucky Accounts Service in Lexington, Kentucky at fee of 35% (Finance Department);
- 6.11 Authorization to execute Change Order #1 on Jones Run Pump Station Upgrade Project with Division No. 2 contractor, Smith Contractors, Inc., for installing vortex suppressor beam to enhance the station's operation, item having been recommended by Corps of Engineers, increasing contract price by \$2,430 from \$796,000 to \$798,430 with funding from 1997 Bond Issue (Public Works Department);

- 6.12 Proposal Award to Quest Engineers for Allnutt Drive Sewer Replacement Project at not to exceed fee of \$42,300 for easement preparation, bidding contract administration, resident inspection, as-built drawings and project closeout (Sewer Department);
- 6.13 Authorization to extend sanitary sewer system to make service available to Bethesda Temple Church at 1 Bishop-Manley Lane, and authorize Mayor to execute contract between the City of Frankfort and David Montgomery, Developer (Sewer Department);
- 6.14 Authorization to extend sanitary sewer system to make service available to Frankfort-Franklin County Business Park off Duncan Road, and authorize Mayor to execute contract between the City of Frankfort and James C. Burch, Chairman of the business park (Sewer Department);
- 6.15 Authorization to extend sanitary sewer system to make service available to Two Creeks Subdivision, Section D on Goshen Road, and authorize Mayor to execute contract between the City of Frankfort and Will May, Developer (Sewer Department);
- 6.16 Authorization to enter into professional services contract with Charles T. Mitchell Company in amount of \$30,000 to perform the 2002-03 audit function with funding in amount of \$17,000 from account 10.53220 and \$13,000 from Sewer Department account 68.53220 (Finance Department);
- 6.17 Authorization for Mayor to execute deeds with Ashwood Place Limited for trading of parcels of land which are contiguous and abut Leonardwood Drive, so that the City of Frankfort will own all of City of Frankfort Lot 1 and Ashwood Place Limited will own all of Ashwood Place Lot 3;
- 6.18 Personnel:
  - § Appointment of Kehl E. Hilbert and Kevin R. Fox to position of Firefighter effective May 6, 2003 (Fire Department);
  - § Assignment of Gregory Todd Moore to position of Emergency Medical Services Director effective April 22, 2003 (Fire Department);
  - § Promotion of Ray Travis from rank of Sergeant to rank of Lieutenant effective April 22, 2003 (Fire Department);
  - § Authorization to extend conditional offer of employment to David A. Rose for position of Patrol Officer contingent upon successful completion of physical, psychological, polygraph and drug screen examinations (Police Department);
  - § Reclassification of John M. Noe from position of Telecommunicator to position of Office Assistant and authorize transfer from Communications Department to Public Works Department effective April 22, 2003;
  - § Confirmation of Christopher M. Eaton in position of Patrol Officer effective April 9, 2003 (Police Department);
  - § Confirmation of Jeffrey A. Brooks and Elizabeth Walker in position of Firefighter effective April 15, 2003 (Fire Department);

It was moved by Commissioner Thurman, seconded by Commissioner Bowers, that all of the above listed miscellaneous and personnel items be approved. All members being present and no objection having been filed with the City Clerk, the motion was thereupon adopted by general consent.

### **Board Appointments:**

7.1 Upon recommendation of Mayor May, it was moved by Commissioner Thurman, seconded by Commissioner Bowers, that Barri Christian be reappointed to the Code Enforcement Board for a term to expire March 22, 2006. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson and Mayor May (4). Voting against the motion was Commissioner Roach (1). The motion was thereupon adopted.

### **Old Business:**

8.1 It was moved by Commissioner Thurman, seconded by Commissioner Roach, to waive the Housing Authority of Frankfort's PILOT (Payment in Lieu of Taxes) payment for 2002 in amount of \$22,960 to allow the funds to be used for continuation of tutoring program and to keep the youth coordinator on staff. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

**New Business:**

Item 9.1 Following review by Sheila White, Executive Director of Downtown Frankfort, Inc., it was moved by Commissioner Roach, seconded by Commissioner Thurman, that application to Renaissance Kentucky for Facade Grant Recaptured Funds in the amount of \$10,000 be ratified and that Mayor be authorized to execute all grant related documents, to be used for structure at 517-519 Ann Street to be converted to bed and breakfast, café and gift shop; and structures at 113-115 Mero Street and 117-119 Mero Street to be renovated as apartments, structures owned by Gary and Rose Burke. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Item 9.2 It was moved by Commissioner Roach, seconded by Commissioner Thurman, that contract be awarded to Randle-Davies Construction Company, Inc., the low bidder, in amount of \$286,600.29, with funding from Transportation Improvement Account, for Leonardwood Drive Extension Project; with contract to be executed at such time as funds are received from Ashwood Limited Partnership for roadway construction share in amount of \$58,000. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

**Mayor's Report:**

Mayor recognized and extended best wishes to Fred Lucas, reporter for State Journal, who is relocating to Connecticut.

**Commissioner Comments:**

Commissioner Thurman expressed concern of inaccurate, false statements attributed to her which appeared in recent State Journal article regarding termination of City Manager, with all Board members and City Solicitor acknowledging that statements attributed to Commissioner Thurman were not made by her.

Commissioner Thurman recognized Parks & Recreation staff and Buffalo Trace Distillery for efforts in recent Easter egg hunt.

It was moved by Commissioner Roach, seconded by Commissioner Thurman, that the Board meet in closed session in accordance with KRS 61.810 (1), (c), and (f) to discuss litigation and personnel. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

(Meeting reconvened at 6:45 p.m., with all Board members present.)

"RESOLUTION APPROVING A SEPARATION AGREEMENT BY AND BETWEEN ROBERT C. ELLIOTT, CITY MANAGER, AND THE CITY OF FRANKFORT, KENTUCKY" was presented. It was moved by Commissioner Roach, seconded by Commissioner Layson, that the resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Resolution No. 7, 2003 Series)

It was moved by Commissioner Bowers, seconded by Commissioner Thurman, that the Board recess until 7:15 p.m. to meet in the Conference Room for Budget Work Session. The question was put upon the motion and adopted by voice vote.

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MAYOR

ATTEST:

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CITY CLERK